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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217708
Party	Defendant da Vinci Kunstlerpinselfabrik Defet GMBH
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Date	02/23/2015
Attachments	908193 ANSWER TO FIRST AMENDED NOTICE OF OPPOSITION 91217708.pdf(2139804 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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J.B. Marketing International, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91217708
)	
da Vinci Kunstlerpinselfabrik Defet)	
GMBH)	Ser. No. 77/555,704
)	Mark: DA VINCI (Stylized)
Applicant.)	

ANSWER TO FIRST AMENDED NOTICE OF OPPOSITION

Applicant da Vinci Kunstlerpinselfabrik Defet GMBH (“Applicant”) respectfully submits its Answer to the First Amended Notice of Opposition filed by J.B. Marketing International, Inc. (“Opposer”) in the above-referenced matter. Applicant denies any allegations not expressly admitted and responds to the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations about Opposer, and therefore denies this allegation.
2. Applicant admits that it filed, on August 26, 2008, an application, Serial No. 77/555,704 (the “Application”) for a stylized DA VINCI mark (“Applicant’s Mark”). Applicant admits that the identified filing basis of the application was Section 1(b) of the Trademark Act; but Applicant denies the allegation to the extent it implies that Applicant was not in fact yet using Applicant’s Mark in interstate commerce at the time it filed its application for Applicant’s Mark.
3. Applicant admits that the identified goods in the Application were “cosmetic and shaving brushes” in International Class 21.
4. Applicant denies the allegations in Paragraph 4 of the First Amended Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations set out in Paragraph 5, and therefore denies the allegations.

6. Applicant denies the allegations in Paragraph 6 of the First Amended Notice of Opposition.

7. Applicant denies the allegations in Paragraph 7 of the First Amended Notice of Opposition.

8. Applicant denies the allegations in Paragraph 8 of the First Amended Notice of Opposition.

9. Applicant denies the allegations in Paragraph 9 of the First Amended Notice of Opposition.

10. Answering Paragraph 10, Applicant repeats and incorporates by reference its answers to Paragraphs 1 through 9 as if set forth in full herein.

11. Answering Paragraph 11, Applicant admits that Opposer's alleged DA VINCI mark is similar to Applicant's stylized DA VINCI mark, and that Applicant's Mark is used with cosmetic brushes. Applicant is without knowledge or information sufficient to form a belief as to the allegations about Opposer's product, and therefore denies the remaining allegations.

12. Applicant is without knowledge or information sufficient to form a belief as to the allegations made in the first and second sentences of the paragraph, and on that basis, denies those allegations. Applicant denies the remaining allegations of Paragraph 12.

13. Applicant denies the allegations of Paragraph 13.

14. Applicant denies the allegations of Paragraph 14.

15. Answering Paragraph 15, Applicant repeats and incorporates by reference its answers to Paragraphs 1 through 14 as if set forth in full herein.

16. Applicant is without knowledge or information sufficient to form a belief as to the allegations set out in Paragraph 16, and therefore denies the allegations.

17. Applicant is without knowledge or information sufficient to form a belief as to the allegations set out in Paragraph 17, and therefore denies the allegations.

18. Applicant denies the allegations of Paragraph 18.

19. Answering Paragraph 19, Applicant repeats and incorporates by reference its answers to Paragraphs 1 through 18 as if set forth in full herein.

20. Applicant is without knowledge or information sufficient to form a belief as to the allegations set out in Paragraph 20, and therefore denies the allegations.

21. Applicant is without knowledge or information sufficient to form a belief as to the allegations set out in Paragraph 21, and therefore denies the allegations.

22. Applicant denies the allegations of Paragraph 22.

23. Applicant denies the allegations of Paragraph 23.

24. Applicant denies the allegations of Paragraph 24.

25. Applicant denies the allegations of Paragraph 25.

WHEREFORE, Applicant prays that this Opposition be dismissed in its entirety and with prejudice, and that the prayer for relief contained therein be denied.

DATED: February 23, 2015

Respectfully submitted,


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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91217708

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